

HOUSE No. 1046

By Ms. St. Fleur of Boston, petition of Marie P. St. Fleur and others relative to the filling of vacancies by the Governor on the Board of Education. Education.

The Commonwealth of Massachusetts

PETITION OF:

Marie P. St. Fleur
Peter J. Larkin

Kathi-Anne Reinstein
William Lantigua

In the Year Two Thousand and Five.

AN ACT RELATING TO EXPEDITING SCHOOL AND DISTRICT IMPROVEMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1E of chapter 15 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 inserting after the word “years.”, in line 20, the following:—
4 “Upon expiration of a member’s term the Governor shall fill the
5 office held by said member within 90 days. In the event that the
6 Governor fails to appoint a replacement in the 90 day period the
7 member shall be automatically reappointed to a second term, if
8 eligible for a second term under the provisions of this section. In
9 the event that the member is not eligible for a second term the
10 chairman shall notify the clerks of the house and senate and the
11 house and senate chairs of the joint committee on education, arts,
12 and humanities that the Governor has so failed to act within the
13 prescribed period.”

14 Said section 1E is further amended by striking out the words
15 “that such a vacancy exists”, in line 29, and inserting the
16 following words: “within 10 days when a vacancy exists on the
17 board. Upon such notification, the Governor shall act within 90
18 days to fill the vacancy for the remaining term of the vacated

19 office. In the event that the Governor fails to act fill the vacancy
20 within the prescribed period, the chairman shall notify the clerks
21 of the house and senate and the house and senate chairs of the
22 joint committee on education, arts, and humanities that the Gov-
23 ernor has so failed to act.”

1 SECTION 2. Section 1J of Chapter 69 of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 inserting after paragraph two the following:—

4 Upon a determination that a school is under-performing, the
5 following steps may be taken:

6 (1) Notwithstanding the provisions of any general or special
7 law or contract to the contrary, the superintendent shall have the
8 authority to reorganize the under-performing school. The superin-
9 tendent may immediately remove the principal of the school
10 unless the board finds that the principal did not play a significant
11 role in the under-performance of the school. The superintendent
12 may reassign staff within and among schools if the current staff of
13 the building is determined by the independent fact finding team to
14 be unable to participate effectively in the school improvement
15 plan. The superintendent may make organizational management
16 and governance changes necessary to establish schools within
17 schools. The superintendent may convert the school to pilot or
18 Horace Mann status with the approval of the board.

19 (2) Notwithstanding the provisions of any general or special
20 law or contract to the contrary, based upon the assessment pro-
21 vided for herein, if the current staff of the building is determined
22 by the independent fact finding team to be unable to participate
23 effectively in the school improvement plan, then the principal of
24 an under-performing school shall have such extraordinary powers
25 that include the power to reassign any teacher or other employee
26 within the school and the power to require any teacher to partici-
27 pate in professional development programs linked to the school
28 improvement plan.

29 (3) In order to recruit and retain talented personnel in under-
30 performing schools, the commissioner may make available funds,
31 subject to appropriation, to permit the superintendent during the
32 period of remediation to increase the salary of any principal or
33 teacher assigned to the school by not more than one percent for

34 every ten percent of the enrollment of the chronically under-per-
35 forming school comprised of low-income students, as that term is
36 used in chapter seventy;

37 (4) The school council of the under-performing school, created
38 pursuant to section 59C of chapter 71, shall assume greater deci-
39 sion-making authority in the area of educational policy during
40 such remediation period, including, but not limited to the required
41 approval by the school council of the school improvement plan,
42 the school's total annual budget and the allocation of that budget
43 after having received approval by the school committee. Such
44 required approval shall be by majority vote of the school council.
45 The membership of the school council at such an under-per-
46 forming school may be fifty percent teachers selected by the
47 teachers in such school.

48 (5) If the school does not receive funding from the district at
49 least equal to the average per pupil funding received for students
50 of the same classification and grade level in the district, the dis-
51 trict shall provide additional funding sufficient to bring funding
52 for that under-performing school to such level not less than foun-
53 dation budget as calculated by the department of education for
54 students in said school.

1 SECTION 3. Section 1 J of said Chapter 69 of the General
2 Laws, as so appearing, is hereby amended adding after the word
3 "level" in line 55 the following:— not less than foundation budget
4 as calculated by the department of education for students in said
5 school.

1 SECTION 4. Section 1K of said chapter 69 of the General
2 Laws, as so appearing, is hereby amended by striking paragraph
3 one and inserting in place thereof the following:—

4 Section 1K. Upon a determination by the board pursuant to reg-
5 ulations adopted by the board that a school district either lacks
6 leadership and governance to meet state accountability standards,
7 or has consistently failed to improve the performance of students
8 attending school in the district, the office of educational quality
9 and accountability shall deploy a fact-finding team to assess the
10 reasons for the under-performance and the prospects for improve-
11 ment. A district that is declared underperforming shall receive

12 technical assistance from the department of education to develop
13 and implement a district improvement plan approved by the
14 board.

15 The superintendent of an underperforming district shall have
16 the authority to reorganize any school within the district. If the
17 current staff of the building is determined by the independent fact
18 finding team to be unable to participate effectively in the school
19 improvement plan, then the superintendent may reassign staff
20 within and among schools. The superintendent may make any
21 organizational, management and governance changes necessary to
22 establish schools within schools, and increase the salary of any
23 principal or teacher. The superintendent may convert any school
24 to pilot or Horace Mann status with the approval of the board.

25 Upon review of the conclusions of the fact-finding team, the
26 board may declare the district chronically under-performing.
27 Following such a declaration, the board shall designate a receiver
28 for the district with all the powers of the superintendent and
29 school committee. The receiver shall report directly to the com-
30 missioner.